

COOLEY LLP
MICHAEL G. RHODES (116127) (rhodesmg@cooley.com)
JEFFREY M. GUTKIN (216083) (jgutkin@cooley.com)
KYLE C. WONG (224021) (kwong@cooley.com)
101 California Street, 5th Floor
San Francisco, CA 94111-5800
Telephone: (415) 693-2000
Facsimile: (415) 693-2222

Attorneys for Defendant
GOOGLE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FREE RANGE CONTENT, INC., a
California corporation, COCONUT ISLAND
SOFTWARE, INC., a Hawaii Corporation,
TAYLOR CHOSE, a Minnesota resident, and
MATTHEW SIMPSON, a British Columbia,
Canada resident, on behalf of themselves and
all others similarly situated,

Plaintiff,

v.

GOOGLE INC., a Delaware corporation,
Defendant.

Case No. 5:14-cv-02329-BLF

**DEFENDANT GOOGLE INC.'S OBJECTION
TO PLAINTIFFS' OPPOSITION TO MOTION
TO DISMISS THIRD AMENDED CLASS
ACTION COMPLAINT**

Courtroom: 3
Judge: Hon. Beth Labson Freeman
Trial Date: Not Yet Set

1 Defendant Google Inc. (“Google”) hereby objects to Plaintiffs Free Range Content, Inc.,
 2 Coconut Island Software, Inc., Taylor Chose, and Matthew Simpson’s (collectively, “Plaintiffs”)
 3 Opposition to Defendant’s Motion to Dismiss Plaintiffs’ Third Amended Class Action Complaint
 4 (“Opposition”) on the grounds that it violates this Court’s Standing Order Re Civil Cases, as
 5 revised on October 21, 2015 (“Standing Order”), with respect to the use of footnotes.

6 The Standing Order provides that “[f]ootnotes are to be used sparingly and citations to
 7 textual matter shall not be contained in footnotes.” (Standing Order at 4.) The Court previously
 8 admonished Plaintiffs for their “copious (and frankly excessive) footnotes.” (Dkt. No. 91, Order
 9 Granting Motion for Reconsideration at 6 n.2). Nonetheless, every page of Plaintiffs’ Opposition
 10 contains at least two, and as many as *eight*, footnotes, most of which are lengthy. Collectively,
 11 through their footnotes, Plaintiffs’ Opposition has 451 lines of single-spaced text—equivalent to
 12 *more than 16 pages* under the local 28-lines-per-page standard. *See* Civ. L.R. 3-4(c). Indeed, on
 13 12 of the Opposition’s 25 pages, the lines of text in the single-spaced footnotes exceed the lines
 14 of double-spaced text in the brief’s body, in many cases substantially. (*See, e.g.,* Opp. at 3 (10
 15 lines of body text, 32 lines of footnote text); 4; 7 (14 lines of body text, 25 lines of footnote text);
 16 8 (same); 9 (13 lines of body text, 26 lines of footnote text); 14; 15; 16; 17 (15 lines of body text,
 17 24 lines of footnote text); 19; 20; 23.)

18 In addition to violating the Court’s mandate to use footnotes “sparingly,” the Opposition
 19 violates the Standing Order’s second clause by providing the entirety of the legal support for
 20 Plaintiffs’ textual arguments and/or incorporating significant quotations from such authorities in
 21 single-spaced footnotes. (*See, e.g.,* nn. 1, 4, 8, 9, 10, 11, 13, 14, 17, 19, 27, 28, 29, 30, 33, etc.).

22 For these reasons, Google respectfully objects to Plaintiffs’ Opposition as violating the
 23 Court’s Standing Order. Absent further order from the Court, Google will file its reply brief on
 24 December 1, 2015, pursuant to the previously-ordered schedule and within the page limits and
 25 other requirements dictated by the applicable rules and the Standing Order.

26
 27
 28

1 Dated: November 16, 2015

COOLEY LLP

2 /s/ Jeffrey M. Gutkin

Jeffrey M. Gutkin

3 MICHAEL G. RHODES (116127)

4 JEFFREY M. GUTKIN (216083)

5 KYLE C. WONG (224021)

6 Attorneys for Defendant
GOOGLE INC.

7 123875194